

Flathead County Planning & Zoning Office
1035 1st Avenue West
Kalispell, MT 59901
Phone: (406) 751-8200 Fax: (406) 751-8210

PETITION FOR ZONING AMENDMENT

FEE SCHEDULE: Fee Attached 32.66 acres x \$35 = \$ 1143.10
Base fee = \$ 840.00
Mailing fee = \$ 24.00

\$2007.10

Zone Change:
Base Fee..... \$840
First 80 acres..... \$35/acre
Addition acres above 80..... \$20/acre
Amendment to Zoning Text..... \$500

*Add \$4 per address (see certified list) to cover adjoining landowner mailing costs.

APPLICANTS:

1. NAME: A. Pentelute, Daniel and Marion
205 Bachelor Grade
Kalispell, MT 59901

B. 93 North LLC
PO Box 2492
Kalispell, MT 59903

C. DKE, LLC
9008 Haverford Terrace
St. Louis, MO 63117

4. INTEREST IN PROPERTY: **Owners**

5. ZONING MAP AMENDMENT: **XX** ZONING TEXT AMENDMENT: _____

TECHNICAL/PROFESSIONAL PARTICIPANTS:

Name, Address, Phone: **Sands Surveying, Inc., 2 Village Loop, Kalispell, MT 59901 755-6481**

IF THE REQUEST PERTAINS TO AN AMENDMENT TO THE TEXT OF THE ZONING REGULATIONS, PLEASE COMPLETE THE FOLLOWING:

A. What is the proposed zoning text/map amendment?
**CHANGING THE HIGHWAY 93 ZONING FROM AN SAG-10
DESIGNATION TO A B-2 DESIGNATION.**

**IF THE REQUEST PERTAINS TO AN AMENDMENT TO THE ZONING MAP
PLEASE COMPLETE THE FOLLOWING:**

A. Address of the property: **A. PENTELUTE PROPERTY
NOT ADDRESSED AT THIS TIME**

Legal Description: **Tract 2B in 19-T29NR21W**

Total acreage: **18.58 acres**

**B. RIVERSIDE VINEYARD CHURCH
3171 US HIGHWAY 93 NORTH, KALISPELL, MT 59901**

Legal Description: **Tract 2BA in 19-T29N R21W**

Total acreage: **4.79 acres**

**C. 93 NORTH LLC
3195 US HIGHWAY 93 NORTH, KALISPELL, MT 59901**

Legal Description: **2BAA in 19-T29N,R19W**

Total acreage: **2.58 acres**

**D. DKE,LLC
3205 US HIGHWAY 93 NORTH, KALISPELL, MT 59901**

Legal Description: **3BA AND 2BB IN 19-T29N-R19W**

Total acreage: **5.45 acres**

**E. FT CORP
3201 US HIGHWAY 93 NORTH, KALISPELL, MT 59901**

Legal Description: **TRACT 2BBB IN 19-T29N-R19W**

Total acreage: **1.35 acres**

TOTAL ACREAGE OF PROPOSAL: 32.66 acres

**The present zoning of the above properties is the HIGHWAY
93 NORTH Zoning District, designated SAG-10.**

E. The proposed zoning of the above property is: **B-2, General Business**

F. State the changed or changing conditions that make the proposed amendment necessary: **With the increased traffic and highway upgrades in the area, the vacant Pentelute property is no longer suitable for agricultural/residential use along the highway frontage and this is the basis for why a B-2 designation is sought. The same conditions hold true for the other applicants where the increased traffic volumes, the construction of the large interchange to the north, the existing business on some of the properties, and the increase in public uses on immediately adjoining properties (MDOT and the Armory), all make suburban agricultural and associated residential uses obsolete.**

Montana Homefitters is a businesses operating as a non-conforming use; the use of the property cannot lapse for more than 180 days and they are denied the opportunity should the owner want to replace/expand an existing building without permission first from the Board of Adjustment. Most importantly, if the property/business were ever to be put up for sale, operating under the non-conforming status could affect a potential buyers perception of the property and reduce the value significantly. It is owners' intent to match the current use to the proper zoning to retain the value of the properties.

HOW WILL THE PROPOSED CHANGE ACCOMPLISH THE INTENT AND PURPOSE OF:

- A. Promoting the Master plan A few of these businesses have been operating and were established before the Highway 93 Zoning District existed. The Master Plan denotes this area as Suburban Agricultural, however, most of these properties have never functioned in this capacity.
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- B. Lessening congestion in the streets and providing safe access There are individual existing accesses onto Highway 93 for the subject properties. At the time of any proposed development, the MDOT will be contacted to review the approaches.
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- C. Promoting safety from fire, panic and other dangers The B-2 zone allows for small lots (7,500 square feet), however, this can only be utilized if there is a public water and sewer system available. At this time, there is only individual water and sewer services in the area and there is no immediate ability to expand facilities to this location. The sewer facilities for Silverbrook have been sized to accept additional capacity, which may be possible to utilize in the future, however, the City's ability to transport additional sewage to the treatment plant is severely constrained by small pipe sizes along the way. The limiting size factor to businesses at this location will be the availability of septic permits. Clustering or PUD options are available, but again, the limiting density/size factor would be sewer constraints.
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- D. Promoting the public interest, health, comfort, convenience, safety and general welfare By allowing the landowners to marry the actual use of the properties to the zoning, land use planning decisions would be

more accurate. The general area in which the zone change is proposed is becoming more commercial and has changed in overall character. These properties are in close proximity to other services and transportation corridors. Employees do not have to travel to remote locations to get to work, customers find the convenience of having businesses and storage facilities located along major transportation routes important.

- E. Preventing the overcrowding of land The existing and potential businesses 32 acres would not create an overcrowding of land. There are still setbacks and minimum lot sizes within the B-2 zones in addition to the minimum lot size that is required for a septic application.
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- F. Avoiding undue concentration of population Minimal amounts of daily customer/consumer traffic would be anticipated, low employee ratios and low to marginal numbers of delivery vehicle trips would be expected.
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- G. Facilitating the adequate provision of transportation, water, sewage, schools, parks and other public facilities This proposal has very little impact on schools and parks as it is commercial in nature. The parcels would continue to utilize individual septic and water systems. These properties front onto an arterial roadway that provides easy access to the cities and services of Kalispell, Columbia Falls and Whitefish.
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- H. Giving reasonable consideration to the character of the district The compelling reason for the zone change request is that the current zone does not match the character of the district. By allowing the zone change, the existing uses will be correctly recognized and not have to operate under the "cloud" of being a non-conforming use. For the vacant parcels, the use will be appropriate for the general vicinity and then valued accordingly. To impose the current zone (SAG-10), uses are limited to those not in sync with the adjoining properties and the property is significantly devalued.
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- I. Giving consideration to the peculiar suitability of the property for particular uses All of the parcels are fairly level to gently rolling. All of the properties have access to Highway 93 and have adequate sight distances to enter onto the Highway. As the current uses are existing, it seems logical that the properties are well suited for their intended uses.
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- J. Protecting and conserving the value of buildings There are the existing commercial enterprises on the properties that are currently being utilized. The zone change will improve the value of the buildings and businesses as the cloud of "non-conforming use" will have been

lifted.

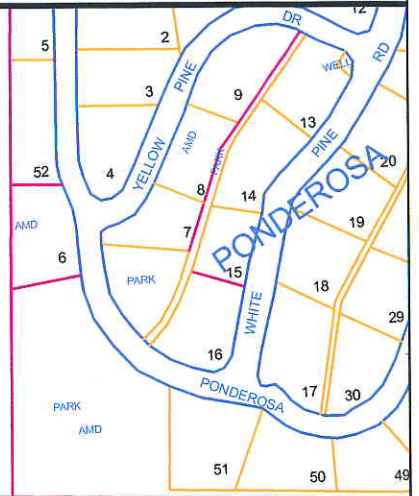
- K. Encouraging the most appropriate use of land by assuring orderly growth
The subject parcels are surrounded by land that has gone through tremendous changes in the past five years. Silverbrook, a mixed use PUD is directly across the highway. Valley Ranch, another mixed use PUD adjoins the eastern property lines of the subject parcels. To the south, the MT Department of Transportation have built their offices and the Armory has expanded. Construction has just been completed on the Highway 93/Church Drive interchange. Retaining the SAG-10 zone designation leaves these properties as an island in a sea of development, which is the antithesis of orderly growth.
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TR 2BA, 2BAA, 3BA, 2BB, 2BBB, 2H, 2B IN S19, T29N, R21W, PMM
150 FOOT OWNERSHIP

COMMUNITY SUB

LOT 2

3



HWY 93

3BA

2BBB

2BB

2BAA

2BC

2J

2BA

LOT 3

2B

TRACT A

2

2H

LOT 4

2C

2E

2D

2G

3

1E

PROJECT	150 FOOT BUFFER
DATE PLOTTED	01/04/10
PROJECTION	
SCALE	

COMMENTS

FLATHEAD COUNTY GIS DEPARTMENT

300 S MAIN ST
 KALISPELL, MT 59901

PH: 406-753-5540
 FAX: 406-753-5540

The areas depicted on this map are for illustrative purposes only and do not constitute a legal description. Surveying or engineering services. Consulting geographers. This map is shown as a guide only.

